

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Anthony Lockhart,)	Civil Action No.: 2:13-1345-MGL
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
South Carolina Department of)	
Corrections; Lieber CI,)	
)	
Defendants.)	
_____)	

On May 17, 2013, Plaintiff Anthony Lockhart (“Plaintiff”), a state prisoner proceeding pro se, filed this civil action pursuant to the South Carolina Tort Claims Act against the South Carolina Department of Corrections and Liber Correctional Institution (“Defendants”) seeking damages for loss of personal property. (ECF No. 1.) The matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Bruce H. Hendricks made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B) D.S.C. On June 17, 2013, Magistrate Judge Hendricks issued a Report and Recommendation recommending that the court dismiss Plaintiff’s complaint without prejudice and service of process as Plaintiff’s claim fails to state a claim upon which relief may be granted. (ECF No. 14.)

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). The court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. *Id.* The court is charged with making a *de novo* determination of those

portions of the Report and Recommendation to which specific objections are made.

Plaintiff was advised of his right to file objections to the Report and Recommendation. (ECF No. 14 at 8.) However, Plaintiff filed no objections and the time for doing so expired on July 5, 2013. In the absence objections to the Magistrate Judge's Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 and advisory committee's note).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation to be proper. Accordingly, the Report and Recommendation is adopted and incorporated herein by reference and this action is DISMISSED without prejudice and without service of process.

IT IS SO ORDERED.

/s/Mary G. Lewis
United States District Judge

Spartanburg, South Carolina
July 24, 2013